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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CASE NO. 2:09-CR-08 LKK
	)	
Plaintiff,	)	
	)	STIPULATION AND ORDER
v.	)	CONTINUING DISCOVERY
	)	AND MOTIONS DEADLINES AND
DONALD WANLAND	)	EXCLUDING TIME
	)	
	)	
Defendant.	)	

On August 7, 2012, the Court heard Defendant's Second Motion for Discovery.

The Court ordered the Government to turn over to Defendant any correspondence with the private trustee in Defendant's personal bankruptcy. On August 13, 2012, the Assistant United States Attorney represented to Defendant that the U.S. Trustee had found no communications with the private trustee of Defendant's bankruptcy (other than what is on PACER).

The Court ordered the Government to turn over IRS internal notes of conversations between IRS officers and Defendant's former counsel, Steven Mopsick, Esq.. On August 13, 2012, the Assistant United States Attorney represented to Defendant that

1 any such memoranda and collection history notes had already been  
2 disclosed and that no handwritten notes existed.

3 In Court, the Assistant United States Attorney stated that  
4 there was a grand jury transcript of the testimony of Richard  
5 Bernstein, Esq., and the Court ordered the Government to turn  
6 that transcript over to the Defendant. On August 13, 2012, the  
7 Assistant United States Attorney informed Defendant that the  
8 Assistant United States Attorney had been incorrect, and that  
9 Bernstein had not been a grand jury witness.

10 The Court ordered Defendant within five days to provide the  
11 Government with copies of whatever Defendant claimed he had sent  
12 to the Los Angeles office of the Internal Revenue Service and the  
13 Court ordered the Government to search its records and turn over  
14 its copies of its correspondence with the Defendant within  
15 fifteen days, or to inform the Court. On August 13, 2012,  
16 Defendant provided documents to the United States. The  
17 Government's preliminary search indicates that it may well have  
18 documents to produce but they are in an IRS records storage  
19 center. Defendant's letters bear a "re" line that references  
20 another person's bankruptcy estate. The Government at this time  
21 expects that by September 25, 2012, it will be able to produce  
22 whatever results from its search and thus complete the additional  
23 discovery production ordered by the Court.

24 The Court ordered that Defendant shall file any remaining  
25 Rule 12 motions within thirty days of receiving the additional  
26 discovery ordered and described herein and the Court found  
27 excludable time up to the filing of the Defendant's motions.

28 In light of the Government's ongoing efforts to locate IRS's

1 records related to the other person's bankruptcy, the parties  
2 stipulate that the time between August 7, 2012 and October 25,  
3 2012 should be excluded from calculation of time under the Speedy  
4 Trial Act.

5 The ends of justice are served by the Court excluding such  
6 time, so that the Government may have additional time to locate  
7 remotely stored records and so that counsel for Defendant may  
8 have reasonable time necessary for effective preparation taking  
9 into account the exercise of due diligence. 18 U.S.C.

10 § 3161(h)(7)(B)(iv). In light of the continuance of the  
11 Government's production date, the Defendant shall have until  
12 October 25, 2012 to file any further Rule 12 motions. The  
13 interests of justice served by granting this continuance outweigh  
14 the best interests of the public and the defendant in a speedy  
15 trial. 18 U.S.C. § 3161(h)(7)(A).

16 Respectfully Submitted,

17 BENJAMIN B. WAGNER  
18 United States Attorney

19 DATE: September 4, 2012


20 By: /s/ Matt Segal  
21 MATTHEW D. SEGAL  
22 Assistant U.S. Attorney

23 DATE: September 4, 2012

24 /s/ Eduardo Roy by MDS  
25 EDUARDO ROY  
26 Attorney for Defendant

27 SO ORDERED.

28 DATE: September 4, 2012

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT